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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,649	06/22/2001	CheeSeng Toh	934.125US1	7099

7590 08/02/2004

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EXAMINER

NGUYEN, THAN VINH

ART UNIT PAPER NUMBER

2187

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20040721

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Than Nguyen  
Examiner  
Art Unit: 2187

**Office Action Summary**

Application No.

09/887,649

Applicant(s)

TOH ET AL.

Examiner

Than Nguyen

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/22/01, 8/28/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/22/01, 8/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are pending.
2. The IDSes, filed 6/22/01 and 8/28/03, have been received and considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7,12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior arts (pgs .1-3), hereinafter as AAPA.

As to claim 1,12:

AAPA teaches the method/apparatus comprising for:: (a) compiling firmware code; and (b) generating a representation of a minimized sector variable-bits-per-inch table from a first set of variable-bits-per-inch parameters (Fig. 2, 3/19-20).

As to claim 2:

AAPA teaches the generating step (b) is performed after the compiling step (a) (Fig.2 step 230).

As to claim 3,4,13,14:

AAPA teaches the electronic device further comprises a mass storage device and the method further comprises: (c) downloading the representation of a minimized sector variable-bits-per-inch table to a recording medium of the mass storage device (VBPI table is stored on disk; Fig. 1; 1/23-28,3/22-25); and (d) downloading the firmware code

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to a read-only-memory of the mass storage device (firmware code is stored on ROM 3/22-25).

As to claim 5:

AAPA teaches the downloading step (d) is performed before the downloading step (c) (Fig. 2; firmware is downloaded in step 210 and before download of VBPI table in step 220).

As to claim 6:

AAPA teaches further comprising: (c) receiving a second set of variable-bits-per-inch parameters; and (d) generating the representation of a minimized sector variable-bits-per-inch table from the second set of variable-bits-per-inch parameters (Fig. 2, process 200 is repeated for modified VBPI).

As to claim 7:

AAPA teaches further comprising: (c) generating the representation of a minimized sector variable-bits-per-inch table from the set of variable-bits-per-inch parameters that was most recently received (Fig. 2).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8-11,15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ng et al (US 6,560,052).

As to claim 8-11,15-20:

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Ng et al teaches VBPI recording in storage disc drives. Ng teaches a method for obtaining at least one variable-bits-per-inch parameter of an electronic device, the method comprising steps of: (a) receiving a request for the at least one variable-bits-per-inch parameter of the electronic device, the request including an indication of a head and an indication of a zone; and (b) obtaining the at least one variable-bits-per-inch parameter of the electronic device from a minimized sector variable-bits-per-inch table, from the indication of the head and an indication of the zone(zone and head information can be used to look up the sector per track in lookup table; table on column 15; 15/15-67).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 703-305-3866. The examiner can normally be reached on 8am-3pm M-F.

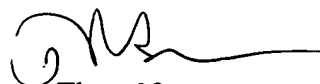
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Than Nguyen', with a long horizontal flourish extending to the right.

Than Nguyen  
Examiner  
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